

**REMARKS/ARGUMENTS**

Applicant thanks the Examiner for his careful review of this application. Claims 1-12 have been rejected. Claims 1 and 7 have been amended. Claim 37 has been added. Claim 37 is fully supported by the specification and no new matter is presented by adding claim 37. Applicant respectfully requests reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

**Anticipation Rejections under 35 U.S.C. §102(a)**

The Examiner has rejected claims 1, 5-7, 11, and 12 under 35 U.S.C. 102(a) as being anticipated by admitted prior art (APA). For the reasons put forth below, Applicant respectfully asserts that APA fails to identically disclose each and every feature specified in amended independent claims 1 and 7.

Although the Applicant believes that the original pending claims are defined over the APA, the Applicant has amended the original independent claims 1 and 7 to clarify that the determinations of the metrics are with respect to one identified candidate frame. After the determinations are made, as defined in newly added claim 37, the method operations as defined in amended claim 1 are repeated for a next candidate frame. As amended, independent claim 1 defines identifying one candidate frame and determining whether the metrics of successive and preceding frames following the one candidate frame differ by certain thresholds. Similarly, as amended, independent claim 7 defines a frame identifier identifying and marking one candidate frame for which the metric of the one candidate frame differs from the metric of predecessor frames to the candidate frame by at least a first threshold. Independent claim 7 additionally defines a comparator that determines whether the metrics of frames successively following the candidate frame differ from one another than

a second threshold, and determines whether the metrics of frames successively preceding the candidate frame are larger than a third threshold.

In response to the Applicant's remarks, the Examiner noted that "the old segment (i.e. the second short segment), although no longer labeled with a numeral, is still a scene change" and thus, "APA is determining the metrics of frames (i.e. y within width AB) successively preceding it, thus meeting the claimed invention" (see Final Office Action mailed November 22, 2004 at page 4). Applicant respectfully traverses the Examiner's characterization in this regard because the APA does not teach determining the metrics of frames successively preceding the candidate frame. In particular, APA discloses that "Hoang compares each of a predetermined number of frames y with initial frame x, that is situated immediately before the scene change," whereby the frames y are "successive frames" following the initial frame x (page 2, lines 8-10; page 7, last paragraph; page 8, lines 1-6; and page 10, lines 30-32). For example, as shown in amended Figure 2, APA specifically identifies first short segment 210 of Figure 2 as a candidate frame, and the initial frame x that is situated immediately before the first candidate frame 210 is compared with successively following claims y 215. In another example, Figure 2 identifies short segment 220 as a third candidate frame, and the initial frame x that is situated immediately before the third candidate frame 220 is compared with successively following claims y. Accordingly, the APA only teaches that all comparisons are made with respect to *one* candidate frame. The Examiner noted that the second short segment shown in Figure 2 is a scene change. Although second short segment may potentially be a scene change, Figure 2 only shows comparisons with respect to first candidate frame 210 and second candidate frame 220. As illustrated, the frames y 215 do not apply to second short segment. In other words, the comparisons shown in Figure 2 are not relevant to the second short segment.

As a result, APA only teaches comparing an initial frame, which is situated immediately before a candidate frame, with successive frames *following* the initial frame. In contrast, in addition to determining the metrics of frames successively following one identified candidate frame, amended independent claims 1 and 7 further define determining the metrics of frames successively *preceding* the one identified candidate frame. Accordingly, APA does not teach or suggest to one having ordinary skill in the art further determining the metrics of frames successively preceding the one identified candidate frame, as defined in amended independent claim 1 and 7.

As APA fails to teach each and every element of the claimed invention, the Applicant respectfully submits that amended independent claims 1 and 7 are patentable under 35 U.S.C. § 102(a) over APA. Further, dependent claims 5, 6, 11, and 12, each of which directly or indirectly depends from amended independent claims 1 and 7 are submitted to be patentable under 35 U.S.C. § 102(a) over APA for the reasons set forth above. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(a) rejections for claims 1, 5-7, 11, and 12.

**Obviousness Rejections under 35 U.S.C. §103(a)**

Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejections of dependent claims 2-4 and 8-10 as being unpatentable over APA in view of Ullas Gargi et al., Performance Characterization of Video-Shot-Change Detection Methods, IEEE Transactions on Circuits and Systems for Video Technology, Volume 10, February, 2000, at 1. As discussed above, APA does not teach or suggest further determining the metrics of frames successively preceding the candidate frame, as defined in amended independent claims 1 and 7. As such, APA in view of Gargi et al. do not raise a *prima facie* case of obviousness

against any of dependent claims 2-4 and 8-10. Accordingly, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 2-4 and 8-10.

### **Conclusion**

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1-12 and 37 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SONSP235). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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